

REMARKS

Claims 2-4 and 6-20 are pending in the application. Claim 16 has been canceled. New claims 17-20 have been added.

Claim Rejections - 35 U.S.C. § 102

(a) Claims 2-7 and 9-16 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Katsuda et al. (US 2003/0029349). This rejection is respectfully traversed.

However, Katsuda et al. is a national stage application of a PCT application filed on December 27, 2001. Further, the PCT application was published in the Japanese language as International Publication No. WO02/051674 (WO '674) on July 4, 2002.

Therefore, Katsuda et al. cannot be a reference under 35 USC § 102(e) against the present application (see, for example, MPEP 706.02(f) II. Example 5).

Further, the invention claimed in the present application and disclosed in Katsuda et al. is invented by Masayuki NAKAYASU and Nobuyuki KATSUDA. As demonstrated by the Declaration under 37 C.F.R. § 1.132, which is filed with this amendment, Katsuda et al. is not by "another". Accordingly, WO '674 cannot be applied for the rejection under 35 USC § 102(a) against the present application (see, for example, "(D)" at explanation concerning how to overcome the 102 (a) rejection at MPEP 706.02(b)).

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 2-4, 7, 9, 12-14, and 16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Metzger (USP 5,854,441). This rejection is respectfully traversed.

Metzger discloses, in Fig. 1, an inflator having a container 2 (corresponds to the "housing") and a housing 1 (corresponds to the "diffuser portion"). The housing 1 has an a space (corresponds to the "gas introducing chamber") in communication with the space defined by the container 2, a chamber (corresponds to the "igniter accommodating chamber") that accommodates a primer 4, and an outlet 8 (corresponds to the "gas discharging hole") that discharges gas in the container upon activation of the inflator. A rupture disk 6 (corresponds to the "single rupturable plate") is provided between the space and the outlet 8. Metzger also has a thruster 5 that separates or seals that chamber from the outlet 8. Note that although a port 17 is formed in the center of the thruster 5, the port 17 is a sealed port that is closed prior to activation of the inflator (see col. 3, lines 25-28).

Therefore, in Metzger, the chamber that accommodates the primer 4 is not "freely in communication with an environment outside of the diffuser portion through the gas discharging hole prior to an activation of the inflator," as required in claim 13.

Claims 2-4, 7, 9, 12, 14, and 16, variously dependent on claim 13, are allowable at least for their dependency on claim 13.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 10, 11, and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Smith et al. (USP 3,944,249). This rejection is respectfully traversed.

Claims 10, 11, and 15, variously dependent on claim 13, are allowable at least for their dependency on claim 13.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claim 8 would be allowable if rewritten in independent claim form including all of the limitations of the base claim and any intervening claims.

Claim 8 has been amended to include all of the limitations of claim 1 to place it in condition for allowance.

A favorable determination by the Examiner and allowance of this claim is earnestly solicited.

New Claims

New claims 17-20 have been added.

These claims are directed to the embodiment shown in Fig. 4 and are allowable over the prior art of record at least for the following reasons.

Applicants respectfully submit that Katsuda fails to disclose or even suggest the "retainer" that attaches "the single rupturable plate" and "directly attaches the igniter" such that "the igniter is isolated from the pressurized gas by the single rupturable plate before activation of the inflator."

Metzger discloses a gas generator including a compressed gas and a propellant 3. The compressed gas is prevented from flowing by a rupturable disk. Further, a thruster 5 is positioned

in the disk 6. An annular spacer 14 is positioned between a housing 1 and a cylindrical section 11 of the disk 6.

Metzger, however, fails to disclose or suggest the “retainer” as recited in claim 17.

In Smith, a rupturable closure portion 34 comes off at a groove 30. Therefore, “a fist opening closed by a single rupturable plate” recited in claim 17 is a portion designated by reference numeral 34. Even assuming that a propellant storage member 60 corresponds to the “retainer” of the present invention, the retainer does not attach to “the single rupturable plate.”

In view of this, a favorable determination by the Examiner and allowance of these claims is earnestly solicited.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

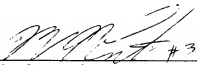
In view of the above amendment, applicant believes the pending application is in condition for allowance.

If the Examiner has any questions concerning this application, the Examiner is requested to contact Toyohiko Konno, Reg. No. L0053 at the telephone number of (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  # 39,491
Charles Gorenstein
Registration No.: 19,382
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment: Declaration under 37 C.F.R. § 132